



## Meeting Agenda

Meeting of the California Water Commission  
Wednesday, April 20, 2022  
Beginning at 9:30 a.m.  
State of California, Resources Building  
715 P Street, First Floor Auditorium  
Sacramento, California 95814

Commission member Matthew Swanson will participate from the following location, which will be open to the public:

DD Ingredients LLC  
5191 Kill Rd  
Delphos, OH 45833

Members of the public will be able to observe the meeting and provide public comments in-person at the meeting location(s) or remotely. Remote participation will be conducted via a web-based videoconferencing service called Zoom.

Registration is not required to provide public comments. Members of the public who wish to provide comments remotely during the meeting can do so by joining on [Zoom](https://us02web.zoom.us/j/88564542493?pwd=cHcrM1VRWmxieXk2bnNVZU1UOVZFZz09) (<https://us02web.zoom.us/j/88564542493?pwd=cHcrM1VRWmxieXk2bnNVZU1UOVZFZz09>). More detailed instructions on how to use Zoom and participate in the meeting can be found on the [Commission website](#).

Alternatively, members of the public can offer verbal comments by telephone by calling one of the numbers below:

(408) 638-0968  
(669) 900-6833  
Meeting ID: 885 6454 2493  
Passcode: 228185

The meeting will be webcast live at: <https://www.water-ca.com/>. Individuals who only want to watch or listen should use this option as it preserves interactive meeting resources for those who are commenting on items.

- 1. Call to Order**
- 2. Roll Call**
- 3. Election of Commission Officers (Action Item)**

*Following the resignation of the Commission's Chair at the March 16, 2022 meeting, the Commission will elect a Chair, and Vice Chair, if necessary, to serve until the next election in January 2023, consistent with the Internal Rules and Guidelines for Activities of the California Water Commission, adopted February 2011.*

**4. Closed Session – Conference with Legal Counsel – Anticipated Litigation**

*The Commission will hold a closed session, as authorized by Government Code §11126(e)(1) to confer with and receive advice from its legal counsel regarding potential litigation related to Items 9E, 9G, and 9H on this agenda, and as authorized by Government Code §11126(a). The Commission will meet pursuant to Government Code §§11126(e)(1) and (e)(2)(B)(i) which state:*

*(e)(1) Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.*

*(2) For purposes of this article, all expressions of the lawyer-client privilege other than those provided in this subdivision are hereby abrogated. This subdivision is the exclusive expression of the lawyer-client privilege for purposes of conducting closed session meetings pursuant to this article. For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist:...*

*(B)(i) A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.*

**5. Approval of March 16, 2022 Meeting Minutes**

**6. Executive Officer's Report**

*The Executive Officer will report on various matters addressed since the previous Commission meeting.*

**7. Commission Member Reports**

*This is an opportunity for members to disclose any meetings or conversations related to Commission business since the previous Commission meeting.*

**8. Public Testimony**

*Although no formal Commission action will be taken, the Commission offers an opportunity for the public to address the Commission on items of interest that are within the Commission's jurisdiction, but that do not appear on the agenda.*

**9. Consideration of Action on Resolutions of Necessity for the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project (Big Notch Project) – Batch A, Step 2 (Action Items)**

*On February 10, 2022, the Department of Water Resources (DWR) notified the Commission of its intent to seek Resolutions of Necessity (RON) for the Big Notch Project in furtherance of a potential eminent domain action against the properties listed below. DWR cannot commence an eminent domain proceeding unless the Commission first*

*adopts a RON (Code of Civil Procedure §§1245.210, 1245.220). At the Commission's March 16, 2022 meeting, DWR presented a report on each property, required by the Commission's Procedures for Resolutions of Necessity and Eminent Domain, (adopted August 17, 2011, revised February 20, 2013) containing information required by Code of Civil Procedure §§1245.230, 1240.510, and 1240.610. At this meeting, the Commission will consider additional information, if any, and determine if there is enough evidence to satisfy Code of Civil Procedure §§1245.230, 1240.510, and 1240.610. The Commission may choose to take action at this meeting. To adopt a RON requires a two-thirds vote of all members, which is a minimum of six votes in favor of the RON regardless of the number of Commission members present.*

**9A. Yolo Basin Farms Inc.; Assessor's Parcel Number (APN) 033-220-046**

**9B. Daniel G. Engstrom, et al.; APNs 042-270-007 and 042-260-019**

**9C. Filemon D. Ong; APN 008-010-017**

**9D. Glide in Ranch; APNs 033-180-001, 033-180-002, 033-180-008, 033-180-020, 033-180-023, 033-180-025, and 033-180-026**

**9E. FarmTogether Stanley, LLC; APN 057-170-010 (portion)**

**9F. ML Farms Inc.; APN 042-260-021**

**9G. AJK Farms, LLC; APN 057-160-010 (portion)**

**9H. Dalhar Farms, LLC; APN 057-160-009 (portion)**

**9I. Angelo K. Tsakopoulos Holdings LP, et al.; APNs 014-600-076, 014-600-012, and 008-010-034**

**9J. Yolo Shortline Railroad Company; APN 057-170-099 (portion)**

**9K. Arapaho Investment Company, LLC; APN 057-170-004 (portion)**

**9L. Wooden Decoy, LLC; APN 042-340-002**

**9M. Patrick Realty Corp.; APN 008-010-013**

**10. Consideration of Evidence in Support of Resolutions of Necessity for the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project (Big Notch Project) – Batch B, Step 1**

*On March 18, 2022, DWR notified the Commission of its intent to seek Resolutions of Necessity (RON) for the Big Notch Project in furtherance of a potential eminent domain action against the properties listed below. DWR cannot commence an eminent domain proceeding unless the Commission first adopts a RON (Code of Civil Procedure §§1245.210, 1245.220). DWR will present a report, required by the Commission's Procedures for Resolutions of Necessity and Eminent Domain, (adopted August 17,*

*2011, revised February 20, 2013) (“adopted procedures”) containing information required by Code of Civil Procedure §§1245.230, 1240.510, and 1240.610. Possible direction to staff may include requests for additional information or arranging a site visit, with a landowner’s consent, consistent with the adopted procedures. No action will be taken to adopt RONS for these properties at this meeting.*

**10A. Dan and Neil Dougherty, et al.; APNs 042-270-014 and 042-260-023**

**10B. John and Judy Whitcombe, et al.; APN 042-270-013**

**10C. WS2 Ranch, LLC; APNs 042-270-015, 042-240-005, and 042-260-020**

**10D. Ray and Della Thompson Trust, et al.; APN 042-270-017**

**10E. Lynch Family Trust, et al.; APN 042-260-003**

**10F. Knaggs Ranch, LLC; APNs 057-130-012, 057-150-008, 057-160-001, 057-160-007, 057-170-001, and 057-170-009**

## **11. Consideration of Items for Next California Water Commission Meeting**

### **12. Adjourn**

*\*The Commission may break for lunch as needed.\**

*At the discretion of the California Water Commission, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated upon and may be subject to action.*

Further information regarding this meeting will be available at <https://cwc.ca.gov/>.

- Members of the public shall be provided an opportunity to address the California Water Commission on any agenda item except closed session items. Comments during the public comment period shall be limited to matters within the Commission’s jurisdiction. Reasonable time limits may be established for public comments (Government Code Section 11125.7), and the Commission has established a three-minute limit per comment.
- Agenda items may be heard in any order at the discretion of the Commission.
- **Written comments regarding specific items on this agenda will be provided to the Commissioners as part of their meeting packets if they are received by 5:00 p.m. on Monday, April 18, 2022.** Written comments can be submitted to [cwc@water.ca.gov](mailto:cwc@water.ca.gov). Staff will make every effort to provide comments received after this deadline electronically, but we cannot make any guarantees.
- Copies of meeting materials are available on the [Commission website](#). Anyone may request hard copies of these materials; however, the Commission may charge a fee covering the cost of providing such materials.
- The Commission intends to provide a webcast of the meeting. However, if technical difficulties interrupt the webcast at times, the full webcast video will be posted at [cwc.ca.gov](http://cwc.ca.gov) as soon as possible.

- If you require special accommodations, please call (916) 873-5774 or email [cwc@water.ca.gov](mailto:cwc@water.ca.gov).
- For further information about items on this agenda please contact Brianna Shoemaker, [Brianna.Shoemaker@water.ca.gov](mailto:Brianna.Shoemaker@water.ca.gov) or (916) 902-6785.